

AMENDED IN SENATE JUNE 23, 2010

AMENDED IN ASSEMBLY APRIL 23, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1581

**Introduced by ~~Committee on Natural Resources (Skinner (Chair),
Brownley, Chesbro, De Leon, Hill, and Huffman)~~ Assembly
Member Torres**

March 27, 2009

~~An act to amend Sections 42000, 42011, and 42021 of the Public Resources Code, relating to solid waste. An act to amend Section 21083.9 of the Public Resources Code, relating to the environment.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1581, as amended, ~~Committee on Natural Resources Torres. Solid waste: recycling market development. Environment: California Environmental Quality Act: notice: scoping meeting.~~

(1) The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect.

CEQA requires the lead agency to call at least one scoping meeting for a project of statewide, regional, or areawide significance. CEQA requires the lead agency to provide to specified entities, including a city or county that borders the city or county within which the project is located, a responsible agency, a public agency with jurisdiction by law with respect to the project, and a transportation planning agency

or public agency required to be consulted, a notice of at least one scoping meeting.

This bill would additionally require the lead agency to provide a notice to other entities that have filed a written request for the notice. By requiring a lead agency to provide a notice to these entities, this bill would increase the service provided by a local agency, thereby creating a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~The California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, establishes an integrated waste management program. The act authorizes a local governing body, as defined, to propose eligible parcels of property within its jurisdiction as a recycling market development zone, as defined, and to apply to the board for designation as a recycling market development zone. The board is authorized to designate or redesignate recycling market development zones for persons applying for that designation. The act requires a parcel of property designated as a recycling market development zone to retain that designation for 10 years.~~

~~This bill, instead, would require a recycling market development zone to retain that designation for 10 years or until the local governing body repeals the designation, whichever is sooner. The bill also would contain a legislative finding and declaration that cities and counties are encouraged to propose recycling market development zones to stimulate economic development and to create green jobs.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 21083.9 of the Public Resources Code is
- 2 amended to read:
- 3 21083.9. (a) Notwithstanding Section 21080.4, 21104, or
- 4 21153, a lead agency shall call at least one scoping meeting for
- 5 either of the following:

1 (1) A proposed project that may affect highways or other
2 facilities under the jurisdiction of the Department of Transportation
3 if the meeting is requested by the department. The lead agency
4 shall call the scoping meeting as soon as possible, but not later
5 than 30 days after receiving the request from the Department of
6 Transportation.

7 (2) A project of statewide, regional, or areawide significance.

8 (b) The lead agency shall provide notice of at least one scoping
9 meeting held pursuant to paragraph (2) of subdivision (a) to all of
10 the following:

11 (1) A county or city that borders on a county or city within
12 which the project is located, unless otherwise designated annually
13 by agreement between the lead agency and the county or city.

14 (2) A responsible agency.

15 (3) A public agency that has jurisdiction by law with respect to
16 the project.

17 (4) A transportation planning agency or public agency required
18 to be consulted pursuant to Section 21092.4.

19 (5) An organization or individual ~~who~~ that has filed a written
20 request for the notice.

21 (6) *An entity not required to receive notice pursuant to*
22 *paragraphs (1) to (4), inclusive, that has filed a written request*
23 *for the notice.*

24 (c) For an entity, organization, or individual that is required to
25 be provided notice of a lead agency public meeting, the requirement
26 for notice of a scoping meeting pursuant to subdivision (b) may
27 be met by including the notice of a scoping meeting in the public
28 meeting notice.

29 (d) A scoping meeting that is held in the city or county within
30 which the project is located pursuant to the National Environmental
31 Policy Act (42 U.S.C. Sec. 4321 et seq.) and the regulations
32 adopted pursuant to that act shall be deemed to satisfy the
33 requirement that a scoping meeting be held for a project subject
34 to paragraph (2) of subdivision (a) if the lead agency meets the
35 notice requirements of subdivision (b) or subdivision (c).

36 *SEC. 2. No reimbursement is required by this act pursuant to*
37 *Section 6 of Article XIII B of the California Constitution because*
38 *a local agency or school district has the authority to levy service*
39 *charges, fees, or assessments sufficient to pay for the program or*

1 *level of service mandated by this act, within the meaning of Section*
2 *17556 of the Government Code.*

3 ~~SECTION 1. Section 42000 of the Public Resources Code is~~
4 ~~amended to read:~~

5 ~~42000. The Legislature finds and declares all of the following:~~

6 ~~(a) This division requires cities and counties to divert 25 percent~~
7 ~~of all solid waste from landfills and transformation facilities by~~
8 ~~1995 and 50 percent by 2000. As of 1990, the overall diversion~~
9 ~~rate in the state was 12 percent.~~

10 ~~(b) California's source reduction, recycling, and composting~~
11 ~~efforts need to increase greatly if local jurisdictions are to meet~~
12 ~~the 25 percent and the 50 percent diversion requirements.~~

13 ~~(c) Market development is the key to increased, cost-effective~~
14 ~~recycling. Market development includes activities that strengthen~~
15 ~~demand by manufacturers and end-use consumers for recyclable~~
16 ~~materials collected by municipalities, nonprofit organizations, and~~
17 ~~private entities.~~

18 ~~(d) Developing markets for recyclable materials creates~~
19 ~~opportunities that will reindustrialize California. The board~~
20 ~~estimates that the development of markets for recyclable materials~~
21 ~~may create over 20,000 jobs in California's manufacturing sector,~~
22 ~~an additional 25,000 jobs in the sorting and processing fields, and~~
23 ~~an unestimated number of jobs in other fields that may develop~~
24 ~~through full implementation of this division.~~

25 ~~(e) The board is authorized to conduct individual market~~
26 ~~development activities, but is not presently required to implement~~
27 ~~a comprehensive plan that addresses the full range of market~~
28 ~~development needs.~~

29 ~~(f) Cities and counties are encouraged to propose recycling~~
30 ~~market development zones to stimulate economic development~~
31 ~~and to create green jobs.~~

32 ~~SEC. 2. Section 42011 of the Public Resources Code is~~
33 ~~amended to read:~~

34 ~~42011. A parcel of property designated as a recycling market~~
35 ~~development zone shall retain this designation for 10 years or until~~
36 ~~the local governing body repeals the designation, whichever is~~
37 ~~sooner.~~

38 ~~SEC. 3. Section 42021 of the Public Resources Code is~~
39 ~~amended to read:~~

1 ~~42021. This chapter does not prohibit an applicant from seeking~~
2 ~~designation of an enterprise zone and receiving economic~~
3 ~~incentives as defined in Section 7073 of the Government Code or~~
4 ~~from receiving any other available economic incentives, including~~
5 ~~pursuant to the federal American Recovery and Reinvestment Act~~
6 ~~of 2009 (Public Law 111-5).~~

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